

**Big Cypress National Preserve  
ORV Advisory Committee Meeting  
December 6, 2011**

**Minutes**

The Big Cypress National Preserve (BICY) ORV Advisory Committee (ORVAC) held their regularly scheduled meeting on December 6, 2011, at the Big Cypress Swamp Welcome Center, Ochopee, Florida. The meeting was called to order at 3:30 pm by Pedro Ramos, BICY Superintendent.

**Committee Members Present:** Franklin Adams, John Adornato, Robin Barnes, Jim Coletta, Brad Cornell, David Denham, Win Everham, Manley Fuller, Chuck Hampton, Wayne Jenkins, Karl Greer, Laurie Macdonald, Barbara Jean Powell, Jenny Richards, Dennis Wilson. **Not Present:** Jorge Gutierrez, Curt Witthoff. **BICY Staff Present:** Pedro Ramos, J.D. Lee, Ron Clark, Bob DeGross, Dennis Bartalino, Ed Clark, Steve Schulze, Damon Doumlele, David Hamm, Renee Mackenzie, Jared Barber, Sasha Herrin, Susan Rossi, Rob Leonard.

There were approximately 22 members of the public present.

The meeting was facilitated by Delia Clark.

Mr. Jenkins announced that Charles Barley, an active member of the BICY community, recently had three deaths in his immediate family. Mr. Jenkins led the Pledge of Allegiance, and Mr. Ramos welcomed everyone and turned the meeting over to Ms. Clark, who went over the agenda and explained how the meeting would run. Comments were to be addressed to the Committee and not the NPS, as this was a Committee meeting open to the public and not a public meeting. The meeting was being videotaped for the record. Ms. Rossi explained that the videos were not placed on the BICY website due to the large file size, but a copy of the meeting on CD could be made available upon request.

**Superintendent's Report.** Mr. Ramos reported the following:

1. Adaptive management report will be given tonight.
2. New swamp buggy exhibit at the Welcome Center.
3. Implementation of the ORV Management Plan--all ORV use is on designated trails now.
4. Reducing meetings from six per year to four.
5. Working through litigation. Another lawsuit has been filed since the last meeting.
6. Completing efforts in planning and designing access points.
7. Working toward implementation of Addition General Management Plan (GMP).
8. Working on the development of a Hunting Management Plan.
9. Working on access into Addition--three different access points off I-75 are mandated by law.
10. Mile Marker 51 access point construction has begun.
11. ORV Management Plan for Addition – will ask ORVAC for assistance in 2012.
12. Appreciate work everyone is doing. Do not get distracted by lawsuits. Keep the good work going.
13. Thanks to Jim Coletta, Jenny Richards, and Dennis Wilson, who participated in the ORVAC training today.

**ORVAC Business.**

Approval of Minutes. Mr. Adornato wanted to add to the 10/18/2011 minutes, "some committee members questioned if I should sit on the committee" in light of the lawsuit. He also had a question on page 3 paragraph 2, which stated, "the Subcommittee recommended the public trails be re-evaluated for trails." Staff agreed to listen to the recording again to properly represent what was said.

Also, page 3 paragraph 4 stated that the Subcommittee recommended approval of a report by Eric Kimmel. Ms. Powell had been charged with summarizing the Subcommittee recommendations and reported to the Committee. Mr. Adornato wanted the minutes to read: "....sparrow zone, pending Subcommittee review, Committee review, staff review and ground truthing."

Ms. Macdonald said she would abstain from voting because she did not read the minutes.

Approval of minutes will be postponed until the next meeting in February 2012.

Written Comments from the Public. Mr. Jenkins asked how questions from the public that come addressed to the Committee through the BICY website are handled. Mr. Doumlele replied that if a question needs an immediate answer, it is referred to the proper staff person for response. All questions and comments submitted through the link on the BICY website are for the Committee, and Mr. Doumlele posts them on PEPC. Mr. Ramos said that not all requests to the Committee are matters that the NPS would like to see the Committee take up. If a letter requires a reply, it will come from staff. The interaction between the Committee and the public is one of accepting comments as opposed to answering questions.

Mr. Jenkins addressed members of the Aboriginal People in the audience. He stated that he had two pieces of correspondence from them concerning breaking of treaties in Florida and burial grounds in St. Augustine. While he was very interested in what the members had to say, he felt that the Committee was not the appropriate group to take action on these concerns. Ms. Powell explained that the Committee has a very narrow charter and is helpless to assist the Aboriginal People with their concerns that do not involve off-road vehicle use.

Mr. Ramos added that the NPS has a special relationship with the Seminole and Miccosukee tribes, which are the two federally recognized tribes that enjoy by law the customary use and occupancy of the Preserve. The NPS has a responsibility and continuously consults with them on these issues, and they know they are invited to express their interest to be on the Committee. The interests of the native people are well represented in these conversations, and the NPS also has open conversations with non-affiliated tribes.

Meeting Schedule for 2012. The Committee approved the meeting dates for 2012 – February 16<sup>th</sup>, May 15<sup>th</sup>, August 30<sup>th</sup>, and November 7<sup>th</sup>.

**Adaptive Management Overview.** Ron Clark gave a presentation on adaptive management. He described four adaptive management definitions:

1. NEPA defines it as a system of management practices based on clearly identified outcomes and monitoring to determine whether management actions are meeting desired outcomes.
2. DOI defines it as a decision process that promotes flexible decision-making that can be adjusted in the face of uncertainties as outcomes from management actions and other events become better understood.
3. NPS defines it as a system of management practices based on clearly identified outcomes and monitoring to determine if management actions are meeting outcomes.
4. The ORV Plan describes it as “....a dynamic process. As the proposed action is implemented, additional information would be obtained through monitoring, research, and experience....”

Common to all four definitions are monitoring, identifying outcomes, making adjustments, and recognizing uncertainties.

Adaptive management is not a random trial and error process, conflict resolution, flexibility due simply to uncertainty, or a replacement for environmental compliance. Adaptive management is a continual review and modification to ensure effectiveness and to confirm compliance with standards, achieved through monitoring, research, and/or experience.

The benefits of adaptive management are: provides flexibility as additional understanding is gained; learning based; produces management strategies that specify what, how, and when an action is to be done; can encourage collaboration among stakeholders; and fosters the acquisition of knowledge.

The challenges of adaptive management are: institutional reluctance to change, commitment to monitoring and evaluation, time, legal constraints, and collecting enough information to evaluate progress.

Examples of adaptive management use are Concho Billie, Oasis, and Monument Trails (prairies); Bear Island Cypress Camp Trail (opening/closure); panther denning in Stairsteps (buffer zone); and Trail #62 – Airplane Prairie.

Discussion ensued concerning use of adaptive management in the Cape Sable seaside sparrow protection area, Trail #62, and vegetation mapping in BICY.

**Public Comment on Adaptive Management.** Shannon Larsen stated that only the animals, plants, and waters have to adapt to human impact. The Preserve and the Everglades are an incredible treasure. She was concerned about how public comments or questions are handled. Concerns of aboriginal indigenous people are not being considered in the Committee's plans.

Bobby C. Billie said that his people relate to the beginning of creation—air, water, animals, trees. The Committee is in his "living room."

Christian Mogelvang said that whatever is decided in adaptive management now may be adapted.

Lyle McCandless said that the opportunities for adaptive management have not been taken advantage of. He felt that the decision to initially open a limited number of trails was arbitrary. All of the main trails should have been opened, monitored, and adjusted as necessary. The Deep Lake Unit is too big for walk-in access only, and there should be ORV trails. There is no way to use adaptive management to determine ORV impacts, because there is no ORV access. The Yellow Trail in Bear Island was closed without the use of adaptive management.

Frank Denninger stated that it appears from the presentation that adaptive management is a policy to be used in almost every area. However, in his conversations with BICY staff, he was told that adaptive management only applies if it is specifically mentioned in relation to a particular topic in the ORV Plan. He recommended that the Committee recommend a policy statement be established regarding when, where, and how adaptive management will be applied.

Eric Kimmel said that the Cape Sable seaside sparrow zone had been managed for ten years by manipulating the water levels. Had the area received critical habitat designation, there would have still been access during non-nesting season. The area was never true sparrow habitat.

**Turner River, Corn Dance, and Stairsteps Trail Network Planning.** The Committee decided to table the recommendations from the Corn Dance/Stairsteps Subcommittee until the next Committee meeting in February 2012.

Mr. DeGross gave a report on the status of subcommittee work and said that BICY had received many good recommendations from the subcommittees. Not much field work had been done due to high water levels. The Corn Dance Subcommittee had recommended that the NPS take the suggestion of Eric Kimmel and Jon Anderson regarding the drawings on maps and digitize them for viewing in Google Earth. Mr. DeGross said he had completed that task and had forwarded the results to the Subcommittee.

**Trail Use Enforcement Campaign.** Mr. Leonard gave a report on a recent operation involving enforcement of trail rules. This occurred during opening week of general gun season and utilized swamp buggies, helicopters, and fixed-wing aircraft. During two successive weekends, staff concentrated on Bear Island, Concho Billie Trail, Oasis, and Monroe Station. All divisions of BICY were involved, about 50 people. Rangers were charged to cite anyone off trail, to include revocation of permits and removal of ORV stickers. There were four violations – one in Bear Island and three in the Turner River Unit.

**Public Comment on Trail Use Enforcement Campaign.** Frank Denninger questioned whether users cited for off-trail use were actually in "virgin" territory, since former trails are so prevalent. He suggested staff obtain coordinates of where the off-trail violations occur for use in possible future determination of secondary trails or destinations.

Lyle McCandless recounted a meeting he and others attended with NPS prior to the closure of Bear Island trails in 2007. He had made many suggestions at that meeting concerning widening of trails in Bear Island that he felt were never implemented. He said that Rangers need to get into the deep backcountry on a more regular basis.

Bobby C. Billie said that the Committee was not being provided enough information. There are many violations that people are not aware of. Plants and animals are not bound by boundaries.

Shannon Larsen questioned how often law enforcement operations will take place, because resource destruction is ongoing.

**General Public Comment.** Shannon Larsen noted that there are federal, other domestic, and international laws that require aboriginal and indigenous peoples' concerns to be taken into account. She mentioned that a study done years ago by a Texas university concluded that all native peoples had use and occupancy rights in the Preserve, not just the federally recognized tribes.

Cecil Osceola implored the Committee to do their job.

Bobby C. Billie said that the Turner River area was very sacred to his people, and some of his ancestors are buried there. The area is not being protected, and roads are being built.

Christian Mogelvang stated that one of the reasons for the Preserve's establishment was to guarantee that traditional uses would be continued. One of the most traditional uses was random ORV access.

Lyle McCandless wanted an explanation as to why no ORV access was being contemplated in the Addition near State Road 29, as this is one of the most sustainable areas in the Preserve. There should be no sustainable areas in the Preserve that are not accessible to ORVs.

Frank Denninger reiterated his earlier request for a statement from NPS concerning adaptive management and when it is applied. He also questioned the choice of the new swamp buggy exhibit at the Welcome Center, noting that it was an NPS fire buggy.

Eric Kimmel expressed his concern for a ban on unlicensed minors using ORVs, wanted access for handicapped and disabled users, and wanted to end the 10 pm curfew.

**Wrap Up.** Mr. Coletta asked about access in the Addition, and Mr. Ramos replied that the Addition is within the purview of the Committee, but BICY is not ready to ask for help yet because of internal steps that need to be taken first. Mr. Coletta then asked if there had been any discussions concerning access for the disabled, and Mr. Ramos replied that staff had been working on the issue, but other topics had taken precedence. Now that dispersed use has ended, more time can be devoted to topics such as this.

Dr. Everham wanted to see handicapped access, minors, and curfews put on the list of future topics, as well as current monitoring efforts, ORVAC membership, and clarifying vehicle specifications. Mr. Ramos responded that staff work with the Agenda Subcommittee to set the meeting agendas. The issue of ORVAC membership is his responsibility, not the Committee's. Ms. Clark said she would keep an active list of future agenda requests.

Ms. Powell addressed Mr. Billie's concern about building more roads. She said no roads are being built. The Committee is charged with narrowing down thousands of miles of trails to just a few.

Mr. Adornato asked about the cost of the trail law enforcement campaign, and Mr. Ramos said that the NPS would develop something for him.

Mr. Adornato asked about the perspectives of the other tribes concerning the ORVAC. Mr. Ramos shared that he had recently met with the Chairman of the Seminole Tribe and the full Council. He said that he must be respectful as to the confidentiality of those conversations as well as conversations with other Native American groups. But he does use all this knowledge and information in influencing BICY's decision-making process to represent the interest of all Native Americans.

Mr. Jenkins suggested a report on the Cape Sable seaside sparrow and critical habitats as a future agenda item. He also suggested adding a clarification on the NPS website for submitting comments to the ORVAC that the website is for comments for the Committee, and that individual inquiries should be directed to NPS staff.

Ms. Macdonald wanted to hear more about the status of imperiled species; e.g., Big Cypress fox squirrel, red cockaded woodpecker, Cape Sable seaside sparrow, etc.

Ms. Powell wanted to know more about invasive species such as the python.

Mr. Ramos thanked the full committee for their service during this calendar year.

The meeting adjourned at 7:30 pm.